

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
LAFAYETTE DIVISION**

KRISTINA KELLER,	:	
	:	
v.	:	CIVIL ACTION
	:	
NTHRIVE REIMBURSEMENT MANAGEMENT	:	NO. 4:18-cv-17
LLC d/b/a ADREIMA	:	
Defendant	:	

COMPLAINT

Plaintiff KRISTINA KELLER (“Plaintiff” or “Ms. Keller”), as and for her Complaint against Defendant NTHRIVE REIMBURSEMENT MANAGEMENT LLC d/b/a ADREIMA (“Defendant” or “Adreima”) respectfully alleges upon information and belief as follows:

I. INTRODUCTION

1. This is a case about a woman being subjected to harassment and annoyance by unsolicited calls.
2. This is a civil action seeking declaratory relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, and actual damages, statutory damages, attorneys’ fees, and costs, for violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”).
3. The TCPA limits the use of automatic dialing systems, artificial or prerecorded voice messages, SMS text messages, and fax machines.

II. JURISDICTION

4. This action is to enforce liability created by the TCPA.
5. Jurisdiction of this court arises under 47 U.S.C. § 227(b)(3).
6. This is a civil action arising under an Act of Congress regulating commerce or protecting trade.
7. Jurisdiction of this court arises under 28 U.S.C. § 1337.

8. Declaratory relief is available in this Court pursuant to 28 U.S.C. §§ 2201-2202.

III. VENUE

9. Adreima regularly transacts business in this judicial district.

10. Adreima is subject to the personal jurisdiction of this Court.

11. Adreima resides in the State of Indiana and this judicial district under the provisions of 28 U.S.C. § 1391(c)(2).

12. Venue in this judicial district pursuant to 28 U.S.C. § 1391(b)(1).

13. A substantial part of the events giving rise to this claim occurred in this judicial district.

14. Venue in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

IV. PARTIES

Plaintiff KRISTINA KELLER (“Mrs. Keller”)

15. Mrs. Keller is a natural person.

16. Mrs. Keller is a person described under 47 U.S.C. § 227(b)(3).

Defendant NTHRIVE REIMBURSEMENT MANAGEMENT LLC d/b/a ADREIMA (“Adreima”)

17. NThrive Reimbursement Management LLC d/b/a Adreima is a limited liability company organized and existing under the laws of the State of Delaware.

18. Advanced Reimbursement Management, LLC previously conducted business as using the name Adreima.

19. NThrive Reimbursement Management LLC assumed ownership of Advanced Reimbursement Management, LLC.

20. NThrive Reimbursement Management LLC d/b/a Adreima is registered with the Delaware Secretary of State under File Number: 4588439.

21. NThrive Reimbursement Management LLC d/b/a Adreima’s principal place of business

is located at 200 North Point Center East, Suite 600, Alpharetta, GA 30022.

22. NThrive Reimbursement Management LLC d/b/a Adreima's registered agent for service of process is Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

23. Adreima's employees are agents acting on behalf of NThrive Reimbursement Management LLC d/b/a Adreima.

24. At all times relevant to this action, NThrive Reimbursement Management LLC d/b/a Adreima employees were agents acting on behalf of NThrive Reimbursement Management LLC d/b/a Adreima.

25. Adreima is a business that, among other matters, services hospitals to secure payment from patients.

26. Adreima maintains a website at <http://www.adreima.com>.

V. COUNT I – VIOLATION OF 47 U.S.C. § 227

27. Mrs. Keller incorporates herein by reference all of the foregoing paragraphs herein.

28. Adreima used an automatic telephone dialing system as defined by 47 U.S.C. §227(a).

29. Adreima uses a telephone dialing system that has the capacity to store or produce telephone numbers to be called, using a random or sequential number generator, and has the capacity to dial such numbers.

30. Adreima has an automatic telephone dialing system that has the capacity to store or produce telephone numbers to be called.

31. Adreima uses a telephone dialing system that has the capacity to dial.

32. Adreima has made numerous calls by illegal pre-recorded messages.

33. At the time Adreima made calls to Mrs. Keller, Adreima was using a telephone dialing

system that had the present capacity to store or produce and call numbers from a number generator.

34. Adreima made unauthorized calls to Mrs. Keller using an automatic telephone dialing system that has the capacity to store or produce telephone numbers to be called, using a random or sequential number generator, and such system has the capacity to dial such numbers.

35. Adreima left unauthorized prerecorded messages to Mrs. Keller's cellular phone.

36. Adreima uses a software/hardware system that permits it to call debtors without a human having to manually dial telephone numbers. The system is referred to herein as the "Automatic Dialer".

37. It is a practice of Adreima to use an Automatic Dialer.

38. Using an Automatic Dialer, Adreima placed a call to Mrs. Keller.

39. The number dialed by the Automatic Dialer corresponds with the telephone number of Mrs. Keller's cellular telephone.

40. The area code corresponding to Mrs. Keller's cellular telephone is (765).

41. Mrs. Keller did not give consent for Adreima to contact her cellular telephone.

42. Adreima could have determined that the telephone number that was being dialed to contact Mr. Friend was a cellular telephone number. See e.g., In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 Request of ACA International for Clarification and Declaratory Ruling, GC Docket No. 02-278, p. 9 n. 54 (Jan 4, 2008) ("See 2003 TCPA Order, 18 FCC Rcd at 14117, para. 170. See also DMA Wireless Number Suppression List at <http://preference.the-dma.org/products/wireless.shtml>. Neustar also has available a service that provides data

on numbers ported from wireline to wireless service on a daily basis. See <http://www.tcpacompliance.com/>.”).

43. On or about March 6, 2017, Adreima left a voice message for Mrs. Keller using an Automatic Dialer or pre-recorded message.

44. On or about March 15, 2017, Adreima left a voice message for Mrs. Keller using an Automatic Dialer or pre-recorded message.

45. On or about March 23, 2017, Adreima left a voice message for Mrs. Keller using an Automatic Dialer or pre-recorded message.

46. On or about April 3, 2017, Adreima left a voice message for Mrs. Keller using an Automatic Dialer or pre-recorded message.

47. On or about April 13, 2017, Adreima left a voice message for Mrs. Keller using an Automatic Dialer or pre-recorded message.

48. On or about April 21, 2017, Adreima left a voice message for Mrs. Keller using an Automatic Dialer or pre-recorded message.

49. On or about April 27, 2017, Adreima left a voice message for Mrs. Keller using an Automatic Dialer or pre-recorded message.

50. On or about May 1, 2017, Adreima left a voice message for Mrs. Keller using an Automatic Dialer or pre-recorded message.

51. On or about May 10, 2017, Adreima left a voice message for Mrs. Keller using an Automatic Dialer or pre-recorded message.

52. On or about May 11, 2017, Adreima left a voice message for Mrs. Keller using an Automatic Dialer or pre-recorded message.

53. On or about May 19, 2017, Adreima left a voice message for Mrs. Keller using an

Automatic Dialer or pre-recorded message.

54. On or about May 24, 2017, Adreima left a voice message for Mrs. Keller using an

Automatic Dialer or pre-recorded message.

55. On or about May 30, 2017, Adreima left a voice message for Mrs. Keller using an

Automatic Dialer or pre-recorded message.

56. On or about June 5, 2017, Adreima left a voice message for Mrs. Keller using an

Automatic Dialer or pre-recorded message.

57. On or about June 13, 2017, Adreima left a voice message for Mrs. Keller using an

Automatic Dialer or pre-recorded message.

58. On or about June 15, 2017, Adreima left a voice message for Mrs. Keller using an

Automatic Dialer or pre-recorded message.

59. On or about June 23, 2017, Adreima left a voice message for Mrs. Keller using an

Automatic Dialer or pre-recorded message.

60. On or about July 3, 2017, Adreima left a voice message for Mrs. Keller using an

Automatic Dialer or pre-recorded message.

61. On or about July 6, 2017, Adreima left a voice message for Mrs. Keller using an

Automatic Dialer or pre-recorded message.

62. The voice messages that were left for Mrs. Keller were pre-recorded, not a live person speaking in real time.

63. The phone number Adreima used to contact Mrs. Keller is a telephone phone number operated by Adreima.

64. Adreima obtained Mrs. Keller's telephone number from a third party, not Mrs. Keller.

65. The messages left for Mrs. Keller by Taylor Law from March 6, 2016, to July 6, 2016,

were attempts to collect money.

66. The Telephone Consumer Protection Act, 47 U.S.C. § 227 restricts the making of telephone calls to cellular phones for commercial purposes that are made using "any automatic telephone dialing system or an artificial or prerecorded voice." TCPA § 227(b)(A)(iii).

67. Adreima made a telephone call to Mrs. Keller's cell phone using an automatic telephone dialing service and/or an artificial or prerecorded voice, as proscribed by the TCPA.

68. Adreima is a member of the ACA International, the Association of Credit and Collections Professionals ("ACA").

69. The complained of conduct was willful.

70. In the alternative, the complained of conduct was negligent.

XI. REQUEST FOR RELIEF

WHEREFORE, Plaintiff KRISTINA KELLER respectfully requests that this Honorable Court enter judgment in favor of Plaintiff KRISTINA KELLER and against Defendant NTHRIVE REIMBURSEMENT MANAGEMENT, LLC d/b/a ADREIMA as follows:

- A. Declaratory judgment that Defendant violated the TCPA;
- B. Actual, statutory, and treble damages according to proof at trial pursuant to 47 U.S.C. § 227(b)(3); and
- C. For all such other and further relief as the Court may deem just and proper.

XI. NO JURY DEMAND

Mrs. Keller hereby requests a bench trial on all issues herein.

Dated: Lafayette, Indiana
March 13, 2018

Respectfully submitted,

s/ *Duran L. Keller*

Duran L. Keller, Esq. (#31743-79)

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